

TITLE 329 SOLID WASTE MANAGEMENT BOARD

ADDENDUM TO IDEM'S SUGGESTED CHANGES TO PROPOSED RULE AT 329 IAC 3.1 CONCERNING TEMPORARY STORAGE AND MANAGEMENT OF SPENT LEAD ACID BATTERIES

LSA Document #09-365

This addendum adds changes to be considered by the board that are not contained in the November 20, 2012, Solid Waste Management Board Packet. Revisions made by LSA under the Administrative Rules Drafting Manual (IC 4-22-8-4(a)(2)) and incorporated into the printed version of the proposed rule (DIN: 20110420-IR-329090365PRA) have been made in the version of the rule presented to the board for final adoption. These changes are NOT included in this list of suggested changes. Except as noted, page references are to the Proposed Rule as Preliminarily Adopted (DIN: 20110420-IR-329090365PRA) with IDEM's Suggested Changes (Change Sheet and Addendum to Change Sheet) Incorporated.

1. Delete change #27 concerning 329 IAC 3.1-11.1-5(c) on page 5 of IDEM's Suggested Changes and substitute:

(c) Owners or operators of reclamation facilities that reclaim spent lead acid batteries, other than spent batteries that are to be regenerated, are subject to the following requirements:

(1) Notification requirements under 329 IAC 3.1-1-11.

(2) Unless an exemption pursuant to 329 IAC 3.1-5-4 is granted by the commissioner:

(A) Reclamation facilities shall comply with all applicable generator requirements of 40 CFR 262 as those requirements are incorporated by reference in 329 IAC 3.1-7 for partially reclaimed materials generated on-site or any other waste generated on-site that is hazardous pursuant to 40 CFR 261 as incorporated by reference in 329 IAC 3.1-6. Storage of on-site generated waste in piles is prohibited by land disposal restrictions unless stored in compliance with 40 CFR 265 Subpart DD as referenced by 40 CFR 262, as 40 CFR 262 and 40 CFR 265 Subpart DD are incorporated by reference in 329 IAC 3.1-7 and 329 IAC 3.1-10.

(B) Reclamation facilities shall obtain a permit in accordance with 329 IAC 3.1-13 for greater than 90 day storage of any on-site generated hazardous waste. Storage in piles is prohibited by land disposal restrictions unless stored in compliance with 40 CFR 264 Subpart DD as incorporated by reference in 329 IAC 3.1-9.

(C) Storage of hazardous waste received from off-site requires a permit obtained in accordance with 329 IAC 3.1-13. Storage in piles is prohibited by land disposal restrictions unless stored in compliance with 40 CFR 264 Subpart DD as incorporated by reference in 329 IAC 3.1-9.

(3) Reclamation facilities requiring a permit under 329 IAC 3.1-11.1-5(c)(2) shall submit a permit application in accordance with 329 IAC 3.1-13 within 180 days of the effective date of this rule.

2. Page 7 329 IAC 3.1-11.1-5(a)(2): After the phrase **“All applicable provisions in the following subparts of 40 CFR 264,”** add the words **“as the subparts are incorporated by reference in 329 IAC 3.1-9”**.
3. Page 9-10 329 IAC 3.1-11.1-6(b): After the phrase **“40 CFR 261”**, add the words **“as incorporated by reference in 329 IAC 3.1-6”**. Delete the **“-1”** in the final citation so it reads **“329 IAC 3.1-9”**.
4. Page 10 329 IAC 3.1-11.1-6(c): After the phrase **“40 CFR 264, Subpart E”**, add the words **“as incorporated by reference in 329 IAC 3.1-9”**.
5. Page 10 329 IAC 3.1-11.1-7(1): After the phrase **“40 CFR 264, Subpart G”**, add the words **“as incorporated by reference in 329 IAC 3.1-9”**.
6. Page 10 329 IAC 3.1-11.1-7(2): After the phrase **“must comply with 40 CFR 265.111 and 265.114”**, add the words **“as these sections are incorporated by reference in 329 IAC 3.1-10”**.